

## REMARKS

The specification and Claim 1 have been amended. No new matter has been introduced.

Applicants thank the Examiner for the many courtesies extended during the examiner interview of June 19, 2006.

As discussed with the examiner during the interview, the present invention, as set forth in claim 1, is an implantable device that controls the internal circumference of an anatomic orifice or lumen. The anatomic orifice or lumen substantially defines a plane. An implantable device has a body and an adjustable member configured to adjust the dimensions of the implantable device. The implantable device is configured to be coupled to a fastener that provides fastening of said implantable device to tissue around the anatomic orifice or lumen. The implantable device has a surface that comes in direct contact with the anatomic orifice or lumen and that substantially defines a plane. An adjustment tool is configured to actuate the adjustable member and provide for adjustment before, during or after the anatomic orifice or lumen resumes near normal to normal physiologic function. During adjustment, the adjustment tool is positioned non-planar relative to the plane defined by the surface of the implantable device. Thus, when the adjustment tool is coupled to an interface location of the adjustable member, the adjustment tool is positioned in an off-plane, non-planar orientation relative to the plane defined by the surface of the implantable device to provide that the implantable device can be adjusted on a beating heart to cause leaflet coaptation and positioned to enable attachment to and adjustment of the implantable device, and detachment from the implantable device and removal from the body under normal physiologic conditions.

None of the cited references, either singularly or in combination, teach or suggest such a device. None of the cited references suggest or teach that when the adjustment tool is coupled to an interface location of the adjustable member, the adjustment tool is positioned non-planar relative to the plane of the implantable device.

## CONCLUSION

It is submitted that the present application is in form for examination, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 42749-0010).

Respectfully submitted,

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